

Old Version

- **Riparian Buffers**

- **Small and Medium Fish-Bearing Streams:** State currently pursuing regulatory program:
 - Current Deficiencies/Shortfall: Inadequate riparian protections for small and medium fish-bearing streams. They do not ensure forest operations meet the State water quality standards for protecting cold water in small and medium fish-bearing streams and upstream waters supporting the PCW standard.
 - Examples of State Actions Needed: 1) **Complete riparian rule by [date certain]**; 2) Rule should cover small and medium fish-bearing streams and upstream waters supporting the PCW standard; and 3) Rule should provide protective no-cut buffers.
- **Non-Fish-Bearing Streams:** State is not currently pursuing a regulatory program; voluntary approach would need to address the following items:
 - Current Deficiencies/Shortfall: No riparian protections for small, non-fish bearing streams in the Coast Range. This does not ensure forest operations meet the State water quality standards for protecting cold water criterion.
 - Examples of State Actions Needed: 1) **By [date certain]**, identify adequate no-cut buffer with a wider riparian management zone equivalent to WA's or CA's program. 2) **By [date certain]**, identify and provide to NOAA and EPA the general authorities ODF and DEQ will rely on to enforce changes when voluntary measures are not implemented. 3) **By [date certain]**, demonstrate compliance with elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (<http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf>)).

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Comment [WJ1]: I think we should keep in buffers. If they opt for "protections" down the road, that might be sufficient, but the management measure calls for riparian buffers and I think we should stay true to that.

Ex. 5 - Deliberative

Comment [WJ3]: I think what we wrote was accurate. Reading the regs cited below, it's a 70' buffer on large non-fish bearing streams and a 50' buffer on medium non-fish bearing streams. For small, non-fish bearing streams, there are some general vegetation retention suggestions, but no riparian buffers in the Coast Range. For drinking water streams, there's a 50' buffer on medium streams and a 20' buffer for small, drinking water streams.

Comment [WRM*G4]: Be careful, this is factually incorrect. 50' buffers for medium non-fish-bearing streams, and 20' buffers for small non-fish streams. OAR 629-635-0300 and 629-640-200.

Comment [d5]: How is compliance determined? Is it buffers of a certain distance everywhere all the time or an approach that achieves the outcome of cold water and habitat?